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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

PHAM, CHRYSTINE

ART UNIT	PAPER NUMBER
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2192

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/051,081

Applicant(s)

KITAGAWA, EIICHIRO

Examiner

Chrystine Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 22-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 22-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to Amendment filed on April 25th 2005. Claims 1, 3, 5-8, 11-16, and 22 have been amended. Claim 21 has been canceled. Claims 24-29 are new. Claims 1-20, 22-29 are presented for examination.

Response to Arguments

2. Applicant's arguments filed April 25th 2005 have been fully considered but they are not persuasive.

With respect to claims 1, 3, 22, and 28, the Applicant essential contends that “the applied art is not seen to disclose or to suggest at least the feature of portable information storage medium storing software information on software to be downloaded via a network, including identification information on the software to be downloaded, location information representing a location on the network at which the software to be downloaded is stored, and secret information on a user who uses the software to be downloaded, or authentication information to be used for authentication performed before downloading the software from the network, wherein the software is downloaded in accordance with the software information stored on the portable information storage medium” (page 13, first full paragraph). The Examiner strongly disagrees.

As has been established in the previous Office Action, Gazdik discloses an original distribution media package residing on a removable disk, CD-ROM, or DVD, which stores component files (i.e., information on software) to be compared with

component files residing on the remote server so that updated versions of the files can be downloaded to the user computer (see at least *original distribution media package, component files, updated versions of existing files* col.3:30-67; col.5:1-16). It could not be any clearer that the main purpose for the component files residing in the original distribution media package is to identify the updated versions of the component files to be downloaded. Needless to say, the original distribution media package storing said component files clearly anticipates “a portable information storage medium storing software information on software to be downloaded via a network, including identification information on the software to be downloaded”. In addition to disclosing the Internet download option which enables access to the software to be downloaded, Gazdik explicitly discloses storing in the original distribution media package, a link to the remote server where updated component files to be downloaded are stored (see at least *link, remote server, original distribution media package* col.9:4-10). It is clear that the link anticipates “location information representing a location on the network at which the software to be downloaded is stored”. Regarding claim 1 and 28, as has been established in previous Office Action, Carr et al. disclose storing user password (i.e., secret information) and embedded data, digital content (i.e., authentication information to be used for authentication performed before downloading the software from the network) as part of the software product on a CD or DVD (see at least *digital content, embedded security data, authentication, network, product web site, purchase products, password, CD, DVD, serial number, product identifier* col.5:28-col.6:50). It is clear that the CD/DVD storing user password, embedded data, and digital content anticipates “secret

information on a user who uses the software to be downloaded, and authentication information to be used for authentication performed before downloading the software from the network”.

With respect to claim 1, and claim 28, the Applicant further argues that “the applied art is not seen to disclose or to suggest the feature of downloading software from a server on a network into a storage medium of an information processing apparatus in accordance with information on the software stored in a portable information storage medium, which is read by a reading unit of the information processing apparatus when the portable information storage medium is connected to a portable-information-storage-medium connecting unit of the information processing apparatus” (page 15). It is submitted that in order for Gazdik to download updated versions of the software by comparing them to component files residing in the original distribution media package (i.e., portable information storage medium), it is inherent that the portable storage medium has to be read by a “reading unit” of the user computer and it is inherent that the updated versions are downloaded in accordance with the component files stored in the package (i.e., information on software stored in the portable storage medium).

3. In view of the fore going discussion, rejection of claims under 35 U.S.C. 102(e) and 103(a) is considered proper and maintained.

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 3-6, 14-16, 22, 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Gazdik (US 6324691), hereinafter, *Gazdik*.

Claim 3

Gazdik teaches an information processing device and method (e.g., see Abstract; see *end user's machine, client machine* col.2:25-33) comprising:

- a portable-information-storage-medium connection unit (i.e., connection step) to which a portable information storage medium (e.g., see *removable disk, CD-ROM, DVD disk* col.3:30-37) storing information (i.e., identification information of the software AND location information representing a location on the network at which the identified software is stored) on software (e.g., see *original distribution media package, see Internet download option* col.30-37; see *software* col.4:14-25; see *access to Internet* col.5:45-60; *link, remote server, original distribution media package* col.9:4-10) to be acquired via the network is connected (e.g., see *remote server* col.3:30-50);

- an information transfer unit (i.e., information transfer step) adapted to download the software from a server on a network into a storage medium, represented by the software identification information, using the location information, from the server terminal into an internal storage medium by using said communication unit (e.g., see *new distribution medium, downloaded* col.3:55-60; see *Internet download option* col.3:30-37; see *Internet, remote server* col.4:14-25);
- a software storage unit adapted to store, in a software storage area of the internal storage medium, the software downloaded into the internal storage medium (e.g., see *mass storage medium, new distribution medium* col.3:49-67; see *MASS STORAGE 16* FIG.1 & associated text);
- a software management unit (i.e., software management step) adapted to manage the software downloaded into the storage medium (e.g., see *INSTALLER PROCESSING ENGINE 11* FIG.1 & associated text; see *new distribution medium, downloaded* col.3:55-60; see *Internet download option* col.3:30-37; see *Internet, remote server* col.4:14-25); and
- an external-storage-medium reading unit (i.e., external-storage-medium reading step) adapted to read predetermined information written in the portable information storage medium when the portable information storage medium is connected to said portable-information-storage-medium connecting unit (e.g., see *removable disk, CD-ROM, DVD disk* col.3:30-37).

Claim 4

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The rejection of base claim 3 is incorporated. Claim recites limitations, which have been addressed in claim 1, therefore, is rejected for the same reasons as cited in claim 1.

Claim 5

The rejection of base claim 4 is incorporated. Claim recites limitations, which have been addressed in claim 1, therefore, is rejected for the same reasons as cited in claim 1.

Claim 6

The rejection of base claim 3 is incorporated. *Gazdik* does not expressly disclose wherein said software management unit performs a software activating process for executing the software stored in the software storage area. However, this feature is deemed inherent in the teaching of *Gazdik* wherein software is downloaded and installed from a network server into an end-user's computer. It is inconceivable that the end-user's computer does not have the means (i.e., software management unit performing software activating process) for executing the software after it has taken all the necessary steps to download and install the software in the software storage area.

Claim 14

The rejection of base claim 4 is incorporated. *Gazdik* further teaches wherein, when software represented by the software identification information is not downloaded into the storage medium, said software management unit executes a process for downloading the software into

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the storage medium (e.g., see *new distribution media package, unknown, updated versions* col.3:30-60).

Claim 15

The rejection of base claim 14 is incorporated. Claim recites limitations, which have been addressed in claim 6, therefore, is rejected for the same reasons as cited in claim 6.

Claim 16

The rejection of base claim 4 is incorporated. *Gazdik* further teaches wherein:

- when software represented by the software identification information is downloaded into the storage medium, said software management unit performs a process for comparing a version of software stored in the server and a version of software stored in the storage medium (e.g., col.3:44-49);
- said software management unit performs a process for initiating execution of the software in the storage medium when both versions match each other (e.g., see *current files* col.3:55-60); and
- when the version of the software stored in the server is newer than the version in the storage medium, said software management unit performs a process that, after downloading the software from the server into the storage medium, initiates execution of the downloaded software (e.g., see *updated versions* col.3:55-60).

Claim 22

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Gazdik teaches an information processing method comprising:

- o a portable-information-storage-medium connection step of connecting a portable information storage medium storing information on software to be acquired via the network to a portable-information-storage-medium connection unit (see at least col.3:1-67);
- o a reading step of reading software information written in the portable information storage medium when the portable information storage medium is connected in said portable-info-storage-medium connection step, wherein the software information relates to software that is to be acquired via a network (see at least col.3:1-67);
- o an information transfer step of downloading the software from a server terminal (see claim 3);
- o a software storage step of storing, in an internal storage medium, the software downloaded in said information transfer step (see claim 3); and
- o a software management step of managing the software stored in the software storage area (see claim 3);

Claim 23

Gazdik teaches computer-readable storage medium storing a program for controlling a computer to execute an information processing method as set forth in claim 22 (e.g., see *PROCESS CONTROL STATE FILE 12* FIG.1 & associated text; see *Pcommand 31* FIG.3 & associated text).

Claims 24, 25

Claims recite limitations which have been addressed in claim 3, therefore, are rejected for the same reasons cited in claim 3.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1,2, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Gazdik* in view of Carr et al. (US 6788800), hereinafter, *Carr et al.*.

Claim 1

Gazdik teaches a portable information storage medium loadable into an information processing device connected to a network (see claim 3), the information processing device adapted to execute software downloaded from the network (see claim 6), said portable information storage medium including a storage area for storing software information including:

- o identification information on the software to be downloaded (see claim 3);
- o location information representing a location on the network at which the software to be downloaded is stored (see claim 3).

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- o wherein the software is downloaded from the network in accordance with the software information stored in the storage area (see at least *original distribution media package, component files, updated versions of existing files* col.3:30-67; col.5:1-16).

Gazdik does not expressly disclose secret information on a user who uses the software to be downloaded. However, *Carr et al.* teach a portable information storage medium including a storage area for storing software information including product code, serial number, and secret information on a user who uses the software (e.g., see *embedded security data* col.5:28-47; see *embedded data, key, CD, DVD, product identifier, serial number, password* col.6:8-23). *Gazdik* and *Carr et al.* are analogous art because they are both directed to a method of downloading software from network source (e.g., see *software product, installation, web server* col.5:1-10). It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to incorporate the teaching of *Carr et al.* into that of *Gazdik* for the inclusion of product code, serial number, and secret information. And the motivation for doing so would have been to facilitate automated authentication of BOTH the software product and the user of the software product to prevent illegal usage of the software by unauthorized users and to further detect counterfeit copies of the software product.

Claims 2, 28, 29

Claims recite limitations, which have been addressed in claims 1 and 3, therefore, are rejected for the same reasons as cited in claims 1, and 3.

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8. Claims 7 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Gazdik* in view of Shih et al. (US 6405362), hereinafter, *Shih et al.*.

Claim 7

The rejection of base claim 3 is incorporated. *Gazdik* further teaches a deletion process for deleting the software stored in the software storage area (e.g., see *unexecuted()*, *uninstall* col.7:5-57). *Gazdik* does not expressly disclose wherein, when the portable information storage medium is disconnected from said portable-information-storage-medium connecting unit, said software management unit performs a deletion process for deleting the software downloaded into the storage medium. However, *Shih et al.* teach a system and method of detecting removal or disconnection of the portable information storage medium from the connecting unit (e.g., see *Compact Flash memory card, software, removed* col.3:5-20; see 28, 30, 29, 31 FIG.1 & associated text; see col.4:55-60) wherein when the portable information storage medium is disconnected from said portable-information-storage-medium connecting unit, said software management unit performs a deletion process for deleting the software stored in the software storage area (e.g., see *cleaning up, releasing resources* col.3:5-25; col.6:30-55; see *removal message, application 220* col.7:19-30; col.7:60-67). *Gazdik* and *Shih et al.* are analogous art because they are both directed to software installation. It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to incorporate the teaching of *Shih et al.* into that of *Gazdik* for the inclusion of deletion process upon disconnection of portable storage medium. And the motivation for doing so would have been to reduce potential application or system crashes caused by referencing memory on the portable storage medium

which has been disconnected and to further free up memory for use by other applications and programs.

Claim 26

Claim recites limitations which have been addressed in claim 7, therefore, is rejected for the same reasons cited in claim 7.

9. Claims 8, 9, 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Gazdik* in view of Foster et al. (US 6121967), hereinafter, *Foster et al.*.

Claim 8

The rejection of base claim 3 is incorporated. *Gazdik* does not expressly disclose wherein, when the portable information storage medium is disconnected from said portable-information-storage-medium connecting unit while the software downloaded into the storage medium is being executed, said software management unit performs a medium-unloading warning process, for warning a user by interrupting execution of the software downloaded into the storage medium, and a user-input accepting process, for activating a user-input accepting state after the medium-unloading warning process is performed. However, *Foster et al.* teach wherein, when the portable information storage medium (e.g., see *floppy disk, floppy drive* col.4:45-55; see *devices, media bays* col.5:1-10) is disconnected from said portable-information-storage-medium connecting unit while the software stored in the software storage area is being executed, said software management unit performs a medium-unloading warning process, for warning a user

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by interrupting execution of the software stored in the software storage area (e.g., see *halt processing; removed a "locked" media bay device* col.2:1:15), and a user-input accepting process (i.e., user selects termination or restarting execution of software), for activating a user-input accepting state after the medium-unloading warning process is performed (e.g., see *reinsertion* col.2:5-15; see 412 FIG.4 & associated text; col.8:60-col.9:25).

Claim 9

The rejection of base claim 8 is incorporated. *Foster et al.* further teach wherein, when the portable information storage medium is connected again after the medium-unloading warning process is performed, said software management unit performs an execution restarting process for restarting execution of the software (e.g., col.9:15-25).

Claim 17

The rejection of base claim 3 is incorporated. *Foster et al.* further teach wherein:

- when the software is terminated while the portable information storage medium is being loaded into said portable-information-storage-medium connecting unit, said software management unit displays, on a menu screen, an option for reactivating the software so that the software can be reactivated by input from a user (e.g., see 410, 412, 418 FIG.4 & associated text; see 114, 116 FIG.1B & associated text); and
- when the portable information storage medium is unloaded after the software is terminated (i.e., user selects termination of execution of the software in the user-input accepting state), said software management unit performs a process for deleting the

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option for reactivating the software (i.e., software management unit performs a process for terminating execution of the software) from the menu screen so that reactivation of the software cannot be performed in response to input from a user (e.g., col.2:5-15; see 412, 414, 416 FIG.4 & associated text; see 118 FIG.1B & associated text).

Claim 18

The rejection of base claim 8 is incorporated. Claim recites limitations, which have been addressed in claims 8, and 9, therefore, is rejected for the same reasons as cited in claims 8, and 9.

Claim 19

The rejection of base claim 8 is incorporated. Claim recites limitations, which have been addressed in claim 17, therefore, is rejected for the same reasons as cited in claim 17.

Claim 20

The rejection of base claim 3 is incorporated. *Gazdik* further teaches wherein, when the portable information storage medium is unloaded while the software is being executed, said software management unit continues execution of the software (e.g., col.7:44-50), and, when a user terminates execution of the software, said software management unit performs a process for deleting an option for reactivating the software from a menu screen, so that reactivation of the software cannot be performed in response to input from a user (see claim 17).

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10. Claims 12, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Gazdik* in view of Srinivasan (US 6460076), hereinafter, *Srinivasan*.

Claim 12

The rejection of base claim 3 is incorporated. *Gazdik* further teaches wherein:

- o the storage medium includes a nonvolatile memory (i.e., internal storage) (e.g., see *mass storage device, component persistent data file* col.3:10-27; see *mass storage medium* col.3:49-55). *Gazdik* does not expressly disclose a volatile memory. However, this feature is deemed inherent in the teaching of *Gazdik* wherein the end-user computer downloads, and installs executable software programs/applications (e.g., see *executable* col.1:53-56). At the time of applicant's invention, it is well known in the art that volatile memory (i.e., RAM) can be read from and written to and is therefore used for storing application programs and data that can be manipulated and changed. Thus, volatile memory is utilized by the computer's CPU during program execution, and is inherent in the teaching of *Gazdik*. *Gazdik* does not expressly disclose said software management unit stores a device identification in the nonvolatile memory (i.e., internal storage). However, this feature is deemed inherent in the teaching of *Gazdik* because it is inconceivable that a computer operating system functions without maintaining the knowledge and information of the device or hardware (i.e., device identification) it is operating on. Furthermore, it is inconceivable that such device identification should be saved in (i.e., written to) a volatile memory where it can be lost due to system power outage as opposed to a nonvolatile memory where it can later be retrieved for processing

during system re/booting. *Gazdik* further teaches after the portable information storage medium connected to said portable-information-storage-medium connection unit, said software management unit examines whether or not information are written in the portable information storage medium (e.g., see *comparing component files, original distribution media package* col.3:44-49). *Gazdik* does not expressly disclose storing user information in internal storage and device identification and user information are written to the portable information storage medium. *Gazdik* does not expressly disclose when the device identification and the user information are not written, said software management unit writes the device identification and the user information into the portable information storage medium. However, *Srinivasan* teaches an apparatus and method providing for the downloading software from a network server to a user computer wherein user information is provided (e.g., see *authentication, verification* col.4:20-40) and software (i.e., data or information) is recorded (i.e., written to) in portable media (e.g., see Abstract; see *VERIFY THAT MEDIA RECORDER IS READY, DOWNLOAD FILE TO MEMORY IN USER INTERFACE, TRANSFER FILE TO MEDIA RECORDER* FIG.3 & associated text; see *network, downloadable software, portable media* col.1:60-col.2:36). *Gazdik* and *Srinivasan* are analogous art because they are both directed to method of downloading software from a network server (i.e., terminal). It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to incorporate the teaching of *Srinivasan* into that of *Gazdik* for the inclusion of storing user information in internal storage, and writing information (i.e., device identification and user information) to the portable storage

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medium. And the motivation for doing so would have been to provide portability or mobility for these information, enabling access to these information when the portable storage medium is loaded on and read by a different device for downloading software or replicating the information to other portable or non-portable storage media through use of the device.

Claim 13

The rejection of base claim 12 is incorporated. *Gazdik* further teaches wherein, after the portable information storage medium is connected to said portable-information-storage-medium connection unit, said software management unit examines whether or not the device identification and the user information are written in the portable information storage medium, and, when the device identification and the user information are written, and said software management unit finds, by comparing a device identification stored internally in said information processing device and the device identification written in the portable information storage medium, identity between both device identifications, said software management unit initiates accessing of the server terminal (e.g., see *comparing, copying* col.3:44-60).

11. Claims 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Gazdik* in view of *Foster et al.* further in view of *Shih et al.*.

Claim 10

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The rejection of base claim 8 is incorporated. Claim recites limitations, which have been addressed in claims 7, and 8, therefore, is rejected for the same reasons as cited in claims 7, and 8.

Claim 11

The rejection of base claim 3 is incorporated. Claim recites limitations, which have been addressed in claims 7, and 20, therefore, is rejected for the same reasons as cited in claims 7, and 20.

12. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Gazdik* in view of Redford et al. (US 5711672, hereinafter *Redford*).

Claim 27

The rejection of base claim 22 is incorporated. *Gazdik* does not expressly disclose when the portable information storage medium is disconnected while the software downloaded into the internal storage medium is being executed, said software management step performs an interruption process for interrupting execution of the software downloaded into the internal storage medium. However, *Redford* discloses when the portable information storage medium is disconnected while the software downloaded into the internal storage medium is being executed, said software management step performs an interruption process for interrupting execution of the software downloaded into the internal storage medium (see at least *removable storage media, peripheral, autostart driver, application Abstract, removable storage media, peripheral, started*

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process, removal, inserted storage media col.1:60-col.2:3; col.2:65-col.3:20; col.4:10-25; *applications, host device's permanently installed storage media* col.5:35-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of *Redford* into that of *Gazdik* for the inclusion of interrupting execution of the software when the portable medium is removed. And the motivation for doing so would have been to facilitate automatic freeing of the random access memory that were used by the executed software and to protect the device from going into an undesirable or unknown state when the portable medium is prematurely removed (see *Redford* Abstract; col.2:60-65).

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chrystine Pham whose telephone number is 571-272-3702. The examiner can normally be reached on Mon-Fri, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CP
July 23, 2005



TUAN DAM
SUPERVISORY PATENT EXAMINER